IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRI. CONTEMPT PETITION NO. 8 OF 2004

Bharatt Uttamchand Nahar ...Petitioner
Vs.
State of Maharashtra & Ors. ...Respondents

Mr.S.J.Rairkar for Petitioner
Ms.P.H.Kantharaia, P.P. for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 4th JULY, 2005

P.C.

1. Heard Mr.Rairkar in support of this Petition. The Respondent No.2 is supposed to have made an incorrect statement to the Court and therefore, the Petition seeks an action in contempt. An affidavit in reply is filed by the Respondent No.2 affirmed on 5th July, 2004. He has accepted therein that the statement was incorrect. He has however, tendered apology for that and given an explanation with respect to the circumstances in which the statement came to be made. He has stated to the Court that apart from one residential house he had no other property. It has now been brought on record by the Petitioner that the Respondent No.2 owns some lands. Respondent No.2 has accepted that. He has however, stated that those are very small parcels of land and he has further stated that he came to know about the same belatedly. We also find that the action for contempt is not taken

expeditiously, even after this knowledge. Only a notice has been issued.

2. In view of the aforesaid facts we do not think that there is any reason to maintain this Petition, the same stands dismissed.

3. Although we are dismissing this Petition we make it clear that it will be open to the Petitioner to get the interim order vacated as it is shown that the same was passed on the basis of incorrect information placed before the Court.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)